

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC**

**In the Matter of:**

<b>Development and Implementation of</b>	<b>)</b>	
<b>A Public Safety National Plan and</b>	<b>)</b>	
<b>Amendment of Part 90 to Establish</b>	<b>)</b>	
<b>Service Rules and Technical Standards</b>	<b>)</b>	<b>General Docket No. 87-112</b>
<b>For the Use of the 821-824/866-869 MHz</b>	<b>)</b>	
<b>Bands by the Public Safety Services</b>	<b>)</b>	
<b>Eastern Pennsylvania, Southern</b>	<b>)</b>	
<b>New Jersey, and Delaware Public Safety</b>	<b>)</b>	<b>PR Docket No. 89-573</b>
<b>Plan. NPSPAC Region 28</b>	<b>)</b>	

**TO: The Commission**

**Petition to Modify NPSPAC Region 28 Plan to Change the Allocation Method for  
Future Channel Allotments and to Permit use of Mobile-to-Mobile Communications on  
the High side of the Channel Pair.**

**Summary**

The NPSPAC Region 28 Plan currently identifies a comparative window allocation process, consistent with Commission practices in other bands, as a mechanism for frequency allocation. The comparative window process allows for competing applicants to be evenly evaluated and channels allotted according to a defined allocation evaluation matrix. This mechanism has served the Region 28 Committee well over the 15 years of planning. The Region 28 Committee now recognizes that the amount of spectrum remaining to be allotted is very small and only available in specific geographic areas of the Region. Comparative Windows no longer serve a purpose in the allocation process. A first-in/first-out (FIFO) process is now more responsive to the needs of the public safety community in the Region. We propose to modify the NPSPAC Region 28 Plan to provide for this new FIFO filing method.

The NPSPAC Region 28 has in the past several months received formal request for license modifications to previously allocated channel assignments from some of their applicants. The City of Allentown, PA, is one such applicant who wishes to deploy MO3/Mobile-to-Mobile communications within their radio system for the purpose of enhancing their in-building communications for their Ambulance Service. In further investigation of their request, the Region 28 Committee learned that the City of Allentown's MO3 communications equipment required use of the high side of the NPSPAC channel pair for the communications equipment to work properly. However, when the Regional Planning

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Committee granted formal approval the FCC informed use that they will only permit mobile communications on the low side of the channel pair unless the Regional Plan specifically permits the use of the high side of the channel pair.

It is for this specific reason that the NPSPAC Region 28 has elected to modify their plan to permit the use of the high side of the channel pair in order to accommodate those public safety applicants whose needs require such channel utilization.

**Allocation Process Amendment**

Since the inception of the NPSPAC Region 28 Plan a comparative window application process was used to determine allocation of the 821-824/866-869 MHz spectrum. This process has served the Committee well over the years. We currently see that the amount of remaining spectrum has dwindled and is only available in select geographic portions of the Region. Allocation in Region 55 to State of New York, in Region 8 to New York City, in Region 36 to Commonwealth of Pennsylvania and in Region 28 to the City of Philadelphia and the Commonwealth of Pennsylvania, and to the State of Delaware has significantly limited the ability to have future filing windows. We do, however, recognize that at certain locations and with certain technical parameters, other channels may be available. To accommodate the public safety agencies in the acquisition of NPSPAC channels, Region 28 in a meeting held in West Chester PA on June 30, 2005 voted to abandon the window allocation process in favor of a first-in/first out (FIFO) allocation scheme. Request for allocation of NPSPAC spectrum would be submitted at any time and would be considered by the Evaluation Subcommittee of NPSPAC Region 28. The request for allotment must include the specific channels requested and a technical showing that the channels can be licensed without causing interference to existing allotments in the region and all surrounding regions. When approved by the NPSPAC Region 28 Evaluation Subcommittee the surrounding regions will be immediately notified and asked for concurrence. In an attempt to reduce administrative filing processes, the NPSPAC Region 28 Committee will only amend the regional Plan on a quarterly basis.

The current NPSPAC Region 28 Plan states on pages 12 - 14<sup>1</sup> :

*Frequency Allocation Process*

*The attached flow chart, (Appendix A) entitled "800 MHZ Frequency Allocation Process", shows the sequence of events that will be followed by The Region #28 Planning Committee in the process of allocating the six megahertz of 800 MHZ spectrum. This process follows the guidelines established under the National Plan for Public Safety Spectrum Relief. The Region #28 Plan incorporates a filing window concept which will provide for the evaluation of all applications for the available spectrum at the same time. The evaluation*

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<sup>1</sup> Approved by the Commission on February 2, 1990 as PR Docket 89-573

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*matrix process is as follows:*

*Upon approval of the Region #28 Plan by the Federal Communications Commission (FCC) the six megahertz of spectrum is made available for allocation. The allocation is placed in the frequency pool (Block #1). If frequencies are available in the pool (a second iteration of the evaluation matrix could occur if all frequencies are not allocated on the first iteration) a window opening announcement is made (Block #2). The window period will be two calendar months or 60 days, (Block #3 thru Block #4) with early or late applications rejected (Block #5). Those applications which are received during the window period are reviewed by the local frequency advisor of the respective state from which the application originated (Block #6). The local advisor will determine if the application is in compliance with state plans, if a state plan exists (Block #7). An application that is not in compliance will be returned to the applicant with an explanation of changes required to be compliant. Having complied with state plans and provided a need assessment (Block 9), the Evaluation Sub-Committee will apply the evaluation Matrix (Block 10). The Evaluation Sub-Committee is defined as: two members (minimum) from each State of the Region #28 Planning Committee.*

*The implementation of the evaluation matrix will result in the . . . . .*

The NPSPAC Region 28 Committee proposes to amend this section to read:

**Frequency Allocation Processes**

**The attached flow chart, (Appendix A) entitled "800 MHz Frequency Allocation Process", shows the sequence of events to be followed by the Region 28 Planning Committee in the process of allocating the six megahertz of 800 MHz spectrum. Blocks #1 through #6 are deleted by Plan Amendment.**

**The Region 28 Plan incorporates a first-in/first-out (FIFO) evaluation of all applications for the available spectrum. The evaluation matrix process is as follows:**

**Applications requesting an allocation of spectrum in the 821-824/866-869 MHz band are process as received by the Region 28 Committee. Such applications must be complete and ready for evaluation. The applications must include:**

- 1. A completed FCC application form for the radio service.**
- 2. Specific channel frequencies that are requested.**

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- 3. An engineering submission showing the requested channels/frequencies will not interfere with existing allocations in Region 28, or any of the regions surrounding Region 28**
  - a. Region 28 will provide existing allocation information, however full technical details may not be available and will need to be researched by the applicant.**
  - b. Technical analysis will include coverage and interference contours**
  - c. Analysis is based on TIA TSB-88A propagation standards.**
    - i. Service area: 40 dBu F(90,90) Okumura-Hata-Davidson with defraction modeling disabled. The general service area should not extend beyond 3 miles of the geographic jurisdiction area without explanation.**
    - ii. Co-channel interference: 5 dBu F(50,50) Okumura-Hata-Davidson with defraction modeling disabled.**
    - iii. Adjacent Channel interference: 25 dBu F(50,50) Okumura-Hata-Davidson with defraction model disabled. If the proposed or existing system is operating at 11.3 kHz bandwidth, the adjacent channel contour is reduced to 30 dBu. If both the proposed and existing adjacent channel systems are operating at 11.3 kHz bandwidth, interference analysis is not required.**
- 4. Full answers to the questions proposed in the Evaluation Matrix highlighting, but not limited to, spectrum givebacks and funding commitment.**

**The Region 28 Committee will process the applications as received and forward them to the Evaluation Subcommittee for technical review. Should the application be found defective or the channels/frequency found to cause interference, the application will be returned to the submitter for correction. There will NOT be a placeholder for application re-submission. The first-in technically correct application will be awarded the channels.**

**The Evaluation Subcommittee will determine if the application is in compliance with the State plan, if a State Plan exists (Block #7). An application that is not in compliance will be returned to the applicant with an explanation of changes required to be compliant. Having complied with the State Plan and provided a need assessment (Block #9) has been provided, the Evaluation Subcommittee will apply the Evaluation Matrix (Block #10) only for applications received on the**

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same day. Applications not received concurrently will jump directly to Frequency is Allotted (Block #20)

At the time frequencies are allotted, adjacent regions will be notified of the process and a concurrence will be requested. Should an adjacent region reject the allocation, it will be the responsibility of the applicant to work with the adjacent region to resolve any issues. The channels will be reserved for the applicant until resolution with the adjacent region. If the specific reserved channels cannot be cleared thru the adjacent region, the allocation will be removed from the Region 28 allocation matrix and the application will be returned to the submitter. The submitter can re-submit on alternate channels, however no consideration will be given to the prior application as to filing time.

Upon receipt of concurrence approval letters from all adjacent regions, the allocation will be placed into a pending plan amendment file. Plan amendments, as required, will be filed with the FCC on a quarterly basis, January 1, April 1, July 1, and October 1.

The Evaluation Subcommittee is defined as a working group appointed by the Region 28 Committee Chair. The chair of the subcommittee must be a voting member of Region 28. Other subcommittee membership may be members or technical advisors to the Region 28 Committee. All members of the Evaluation Subcommittee must be approved by consensus of the Region 28 Committee taken at a public meeting of the Committee.

The implementation of the Evaluation Matrix will result in the .....

**Further amendment to Add Mobile-to-Mobile Communications use on High and Low Side of Channel Pair**

The NPSPAC Region 28 Committee proposes to amend their plan to add the following NEW section on Page 12 to read:

**Mobile-to-Mobile Communications**

The use of Mobile-to-Mobile Communications is an operational necessity in today's communications environment for such operations as on-scene unit to unit (MO) communications, temporary fixed control point (FXIT) communications and for enhanced in-building (MO3) communications through the use of "vehicular mobile

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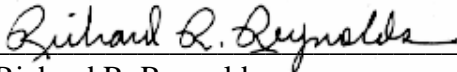
**repeaters”. These forms of communications do not always use the systems tower infrastructure and as such, the public safety agency is required to have access to both sides of the channel pair (high side & low side) for successful Mobile-to-Mobile communications. In order for these classes of service to operate effectively mobile radio transmitter equipment needs to operate on the high side and the low side of the channel pair to permit operations in the MO, MO3, and FX1T classes of service. The Region 28 Planning Committee understands the need for this type of operation and fully supports and indorses the use of both, high and low sides of the channel pair for all Mobile-to-Mobile classes of service.**

**Committee Actions**

The NPSPAC Region 28 Committee recommends that the Eastern Pennsylvania, Southern New Jersey and Delaware Regional Plan be amended to reflect the changes proposed in this document. The amendment of the allocation procedure and the use of high side of the channel pair is a process internal to NPSPAC Region 28. As such, concurrence of these changes was not requested or deemed required from the adjacent regions.

The Commission is urgently requested to approve these changes in this plan, which will permit a more efficient allocation method and effective use of spectrum for Mobile-to-Mobile applications in a heavily congested region. Such approval is in the public interest and consistent with public policy.

Respectfully Submitted,

  
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Richard R. Reynolds  
Chairman  
NPSPAC Region 28

July 20, 2005